

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, ex rel.

PAM TUCKER,

Plaintiff(s),

V.

P.D.L. NAYAK,

Defendant.

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Civil No. **06-662-JPG**

ORDER

PROUD, Magistrate Judge:

Before the Court is defendant Nayak's "Emergency Motion to Strike, Petition for Rule to Show Cause and Motion to Strike." (**Doc. 63**). Defendant requests that: (1) relator Tucker's response to defendant's motion for summary judgment be stricken because exhibits include the complete names of patients, in violation for the Court's limited protective order entered on January 9, 2009; (2) relator Tucker be ordered to show cause why she should not be held in contempt of Court for knowingly violating the limited protective order; and (3) the Court strike relator Tucker's response to defendant's motion for summary judgement, as it was filed one day after the prescribed response deadline.

Although the response period has not passed, in view of the fact that non-party patients' names have been published in the record, the Court will immediately strike relator Tucker's response to defendant's motion for summary judgment (**Doc. 62**). The Court will direct Tucker to show cause in writing why she, by and through her attorney, should not be held in contempt of Court for violating the Court's January 9, 2009, limited protective order.

Relator Tucker's response to defendant's motion for summary judgment (**Doc. 62**) was filed one day late. Nevertheless, after consultation with Judge Gilbert, in the interest of judicial economy, and because the Court prefers to have cases decided on the merits rather than by minor procedural errors, the Court will allow relator to re-file her response to defendant's motion for summary judgement.

IT IS THEREFORE ORDERED that defendant Nayak's "Emergency Motion to Strike, Petition for Rule to Show Cause and Motion to Strike" (**Doc. 63**) is **GRANTED IN PART AND DENIED IN PART**:

1. The Clerk of Court shall **STRIKE AND SEAL** relator Tucker's response to defendant's motion for summary judgment (**Doc. 62**);
2. On or before **March 10, 2009**, relator Tucker shall file her response to defendant's motion for summary judgment, making all necessary redactions required pursuant to the limited protective order (**Doc. 58**); and
3. On or before **March 10, 2009**, relator Tucker shall show cause in writing why she should not be held in contempt of Court for violating the Court's limited protective order (**Doc. 58**).

IT IS SO ORDERED.

DATED: February 27, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE